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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,825	10/23/2003	John Myatt	2547-0410	5434
7590 03/22/2006			EXAMINER	
Harbin King & Klima 500 Ninth Street SE Washington, DC 20003			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	
DATE MAILED: 03/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/690,825	MYATT ET AL.	
	Examiner	Art Unit	
	Cassandra Davis	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 17-29 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-16 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the request for continued examination January 9, 2006 and amendment filed December 9, 2005.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7, 8, 9-16 rejected under 35 U.S.C. 102(b) as being anticipated by Chirnomas, U. S. Patent 2004/0128889.

With respect to claim 1, 7, 8, 14-16, Chirnomas teaches quick change display graphic comprising a sign member 410, 510 having a front side visible by a customer of the vending machine and a rear side facing the vending machine, the sign being attachable to a front portion of the vending machine and having a plurality transparent window portions 412, 512 through which an item 512 located on the rear side of the sign can be viewed from the front side of the sign, the window portion being spaced

apart from a product identification window 19 of a selection panel of the vending machine and having a size greater than a size of the selection panel product identification window; and a holder (panel 516 with slot 518 or pocket (paragraph 0088)) constructed and arranged to be positioned on the rear side of the sign, the holder also constructed and arranged to hold a remote product identifier 520 such that the remote product identifier is viewable from the front side through the window portion of the sign, the remote product identifier also having a size greater than the size of the selection panel product identification window 412.

In addition, Chirnomas teaches the “function of “mask” sheet 510 could be provided by printing the graphics that would have been placed on this sheet, instead on the interior facing side of the bubble front 18”. See paragraph 0089.

With respect to claim 2, Chirnomas teaches the holder comprising a backing plate 516 attachable to the rear side of the sign 410 and the remote product identifier 520 is positioned between the sign and the backing plate. (Paragraphs 0086-0088)

With respect to claims 3-4, Chirnomas teaches the holder further comprising a spacing member positionable between the rear side of the

sign and the backing plate to space the backing plate away from the rear side and provide a channel for retaining the remote product identifier. The spacing member corresponds to the opposing guide rails and bottom rail that are adhesively attached to the back side of the sheet. (See paragraph 0088).

With respect to claims 9-11, each window has a graphic identifier 514 associated therewith to visually link the product identifier with that window portion with a corresponding graphic identifier associated with one of the product's selection buttons.

With respect to claims 12-13, Chirnomas teaches an advertising window portion 414 separate from the other window portions through which an advertising item located on the rear side of the sign can be viewed from the front side of the sign.

Allowable Subject Matter

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. Claims 30-31 are allowed.

Response to Arguments

3. Applicant's arguments filed January 12, 2006 have been fully considered but they are not persuasive. The applicant argues that Chirnomas teaches an exterior display face panel 18 and a separate graphics panel 410 positioned behind the display face 18. The separate graphics panel 410 can comprise a mask sheet 510 with the holder sheet 516 attached to the mask sheet 510 of separate graphics panel 410 and not to the display face panel 18. The applicant points out that the holder sheet is not attached to the component that forms an exterior surface of the vending machine.

4. The examiner contend Chirnomas teaches the "function of "mask" sheet 510 could be provided by printing the graphics that would have been placed on this sheet, instead on the interior facing side of the bubble front 18". See paragraph 0089. Since the function of the mask sheet 510 can be incorporated into the exterior bubble front sheet 18, the examiner contends that claims 1-4, 7-16 are still anticipated by Chirnomas.

5. The rejection is maintained.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone

number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
March 18, 2006